

SENATE BILL 1835  
By Cooper

AN ACT to enact the "Prevention of Youth Access to Electronic  
Pagers Act of 1997".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Prevention of Youth  
Access to Electronic Pagers Act of 1997".

SECTION 2. The purpose of this act is to reduce the access of persons under eighteen  
(18) years of age to electronic pagers by prohibiting the sale and distribution of electronic  
pagers to such persons, prohibiting the purchase or receipt of electronic pagers by such  
persons, restricting the distribution and sale of electronic pagers other than in conformity with  
this act, requiring minors to obtain permits to carry electronic pagers, and ensuring uniform  
regulations with respect to electronic pagers within this state. It is the intent of the general  
assembly that this act be equitably enforced so as to ensure the equal application of this act  
across this state for the welfare of its youth.

SECTION 3. As used in this act, unless the context otherwise requires:

(1) "Person" means any individual, firm, fiduciary, partnership, corporation, trust,  
or association;

(2) "Proof of age" means a driver license or other generally accepted means of  
identification that describes the individual as eighteen (18) years of age or older,  
contains a photograph or other likeness of the individual, and appears on its face to be  
valid.

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#### SECTION 4.

(a)(1) It is unlawful for any person to sell or distribute any electronic pager to another person who has not attained eighteen (18) years of age or to purchase an electronic pager on behalf of any such person unless such person has obtained a permit in accordance with the provisions of Section 6.

(2) It is unlawful for any person to persuade, entice, send or assist a person who has not attained eighteen (18) years of age to purchase, acquire, receive or attempt to purchase, acquire or receive an electronic pager in violation of the provisions of this act.

(3) A violation of this subsection shall be a Class A misdemeanor, punishable by a fine of two thousand five hundred dollars (\$2,500). This subsection shall not be deemed to preclude law enforcement efforts involving the use of individuals under eighteen (18) years of age if a parent of the individual has consented to this action.

(b)(1) A person engaged in the sale or distribution of electronic pagers shall demand proof of age from a prospective purchaser or recipient.

(2) A person who violates this subsection commits a Class A misdemeanor punishable only by a fine not to exceed two thousand five hundred dollars (\$2,500). Any person who is convicted of violating this subsection on three (3) separate occasions is prohibited from selling electronic pagers and from possession of such products for resale for a period of five (5) years from the date of the last conviction. Proof that the defendant demanded, was shown, and reasonably relied upon proof of age shall be a defense to any action brought pursuant to this section.

(3) If the sale is made by an employee of the owner of a store at which electronic pagers are sold at retail, the employee shall be deemed guilty of the violation and be subject to the fine.

(c) For purposes of determining the liability of a person controlling franchises or business operations in multiple locations for a second or subsequent violation of this

section, each individual franchise or business location shall be deemed a separate entity.

(d) The owner or proprietor of a store at which electronic pagers are sold at retail shall also be guilty of a violation of this section if such owner or proprietor knowingly permits an employee to violate the provisions of this section.

#### SECTION 5.

(a) It is unlawful for a person who has not attained eighteen (18) years of age to purchase or accept receipt of an electronic pager, or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually that person's own for the purpose of purchasing or receiving an electronic pager in violation of the provisions of this act.

(b) A person who violates this section shall be prohibited from qualifying for a Tennessee driver license for one (1) year, or in the alternative, have his or her driving privileges revoked for the same period of time and fifty (50) hours of community service work for each subsequent offense within a one (1) year period.

#### SECTION 6.

(a) It is unlawful for any person under eighteen (18) years of age to carry an electronic pager without a permit. A minor wishing to carry an electronic pager shall apply to the county or municipal law enforcement agency for the jurisdiction in which the minor resides for a permit. A person under eighteen (18) years of age shall be eligible to carry an electronic pager after the agency to which the minor applied has secured a signed parental consent form from the individual's natural parents or legal guardian(s). The agency shall issue such a permit to eligible persons who secure such consent. A copy of the permit shall be retained as a portion of the records of the law enforcement agency issuing the permit. The permit holder shall have the permit in the holder's immediate possession at all times when carrying an electronic pager and shall display the permit on demand of a law enforcement officer.

(b) It is a Class A misdemeanor, punishable by a fine of two thousand five hundred dollars (\$2,500), for any person to provide false information of a material nature to the law enforcement agency on either the parental or guardianship status of the person making out the application or in any other disclosure required to be made to the agency.

(c) Any lease or service contract for the operation or maintenance of an electronic pager which requires renewal after the effective date of this act shall comply with the provisions of this act if the person seeking to renew the contract is under eighteen (18) years of age.

#### SECTION 7.

(a) On and after July 1, 1997, every person who sells electronic pagers at retail shall post conspicuously, near the point of sale, and keep so posted at the place of business a sign, no smaller than ninety-three and one-half ( 93 1/2) square inches, to ensure that it is likely to be read at each point of sale, stating the following:

STATE LAW STRICTLY PROHIBITS THE SALE OR LEASE OF ELECTRONIC  
PAGERS TO PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS.

PROOF OF AGE REQUIRED

(b) A person who violates this section commits a Class A misdemeanor punishable only by a fine of two thousand five hundred dollars (\$2,500) for the first offense and, notwithstanding Section 40-35-111, three thousand five hundred dollars (\$3,500) for each succeeding offense within a two (2) year period.

SECTION 8. This act shall take effect July 1, 1997, the public welfare requiring it.